

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

SAVADOR RAMERIZ,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT
RAMIREZ'S EMERGENCY
MOTION FOR EARLY
DISCLOSURE OF
JENCKS/IMPEACHMENT
MATERIAL

Case No. 2:09-CR-784 TS

Defendant Rameriz moved for early disclosure of *Jencks*¹ material based on the allegations that the government has provided late disclosure of materials. In a footnote, Rameriz clarifies that the present motion is not directed at all prior statements of the anticipated witnesses, but only seeks early disclosure of those statements containing impeachment evidence “and identification of statements not solely ‘in the possession of the

¹The Jencks Act (18 U.S.C. § 3500), requires the government to produce at trial, after a witness has testified, any previous statements given by that witness under certain circumstances.

United States.’’²


The government responds with its proffer of the disclosure in accordance with the schedule set in this case. Included in that proffer is its early disclosure of some Jencks materials made on November 2, 2010.

The Court finds that the government should have already disclosed impeachment evidence pursuant to its separate obligations under *Giglio*³ and other case law. The Court finds that Defendant has not shown grounds for early disclosure of any Jencks materials other than those already disclosed on November 2, 2010. It is therefore

ORDERED that Defendant Ramirez’s Emergency Motion for Early Disclosure of Jencks/Impeachment Material (Docket No. 268) is DENIED.

DATED November 10, 2010.

BY THE COURT:



TED STEWART
United States District Judge

²Def.’s Mot. at 4, n.1.

³*Giglio v. United States*, 405 U.S. 150, 154 (1972).